IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13532 of 2001

Between:

Smt.Etukapati Mariamma, W/o.Joji, 44 years,
R/o.Kammagudem, H/o.Dhamera Bhimanapalli (V),
Marrigudem(M), Nalgonda District.

...PETITIONER

AND

1. The Election Officer/Nodel Officer (Assistant Director of Horticulture)
   Nalgonda, Mandal Praja Parishad, Marrigudem (M),
   Nalgonda District.

2. The Appellate Authority/Revenue
   Divisional Officer, Nalgonda,
   Nalgonda District.

3. The State Election Commission
   A.P., Budda Purnima,
   Secunderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more in the nature of Writ of Mandamus declaring the action of the respondent No.2 in issuing the proceedings No.B/1793/2001 dated 02.07.2001 rejecting the appeal and confirming the order of the respondent No.1 dated 30.06.2001 as bad, illegal, arbitrary, unjust and unconstitutional beside being violative of rules on the subject, while issuing a consequential direction to the respondents to receive the nomination of petitioner for the M.P.T.C. Dhamera Bhimanapalli (V) Marriguda (M) of Nalgonda District as Valid enabling her to contest the election for M.P.T.C. Dhamera Bhimanapalli, being held on 15.7.2001 in the

interest of Justice.

Counsel for the Petitioner: MR.D.GOVARDHANACHARY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court made the following:

ORDER:

In pursuance of the notification issued by the third respondent for Elections to the office of the Member of Mandal Parishad Territorial Constituency (MPTC), the petitioner submitted her nomination on 29.06.2001. The first respondent scrutinized the nomination and rejected the nomination of the petitioner on the ground that she is an Anganwadi Teacher. The petitioner preferred an appeal before the second respondent but by order, dated 02.07.2001 held that under Rule 18(1) of the A.P.Panchayat Raj (Conduct of Election) Rules, 1994, the petitioner was disqualified to contest the Election. The said proceedings are assailed in the present Writ Petition. The petitioner placed reliance on the Government Order being G.O.Ms.No.7, dated 07.03.1996 whereby and whereunder, the Government clarified that Anganwadi workers are permitted to hold any elected post like Sarpanch, MPTC Member etc.

This Court while admitting the Writ Petition on 03.07.2001, having regard to G.O.Ms.No.7, dated 07.03.1997, suspended the order of the second respondent, dated 02.07.2001. By virtue of the same, it appears the petitioner has already contested in the Election. Therefore, nothing survives in the Writ Petition.

The Writ Petition is accordingly dismissed as infructuous.

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(V.V.S.RAO, J)

8th September 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Election Officer/Nodel Officer (Assistant Director of Horticulture)
   Nalgonda, Mandal Praja Parishad, Marrigudem (M),
   Nalgonda District.

2. The Appellate Authority/Revenue
   Divisional Officer, Nalgonda,
   Nalgonda District.

3. The State Election Commission
   A.P., Budda Purnima,
   Secunderabad.

4. Two CCs to G.P. for Panchayat Raj & Rural Development, High Court
   Buildings, Hyderabad (OUT).

5. Two CD copies.